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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second periodic reports submitted by States parties to the Covenant, concerning rights covered by articles 10 to 12, in accordance with the second stage of the programme established by Economic and Social Council resolution 1988 (LX)

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND: DEPENDENT TERRITORIES*

[5 September 1994]

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* The present document constitutes the report of the United Kingdom of Great Britain and Northern Ireland, dealing with the Dependent Territories (the Isle of Man, Guernsey and Jersey) in respect of articles 10 to 12 of the Covenant.

The initial report submitted by the Government of the United Kingdom of Great Britain and Northern Ireland with respect to the Dependent Territories on rights covered by articles 10 to 12 of the Covenant (E/1980/6/Add.25 and Corr.1 and Add.26) was considered by the Sessional Working Group of Governmental Experts at its 1981 session (see E/1981/WG.1/SR.16-17).

Introduction

1. This report is submitted by the United Kingdom as an addendum to its second periodic report on articles 10 to 12 of the International Covenant on Economic, Social and Cultural Rights (E/1986/4/Add.23).

2. The report relating to the United Kingdom's Dependent Territories overseas (E/1986/4/Add.27) was submitted in September 1993, under cover of a note dated 23 September 1993. That note informed the Secretariat that the report relating to the Crown Dependencies of the United Kingdom, that is to say, the Isle of Man, Guernsey and Jersey, would be submitted with the shortest delay possible. The United Kingdom therefore now submits the report relating to those Crown Dependencies. The United Kingdom regrets the delay that there has had to be in the assembling and compilation of the material and the submission of this report.

3. Constitutionally, the Channel Islands and the Isle of Man are not part of the United Kingdom but are Dependencies of the Crown. They have their own legislatures, courts of law and administrative and fiscal systems. The Government of the United Kingdom is directly responsible for the islands' defence and external relations and the Crown is ultimately responsible for their good government.

4. The detailed position in relation to each of the above-named Dependencies with respect to articles 10 to 12 of the Covenant is set out separately in the various sections of the present report. The position described is as at February 1993 for the Isle of Man and Jersey and August 1993 for Guernsey.

5. Each of the sections of this report updates or supplements, as appropriate, the account given in the corresponding section of the United Kingdom's first periodic report in respect of those Dependencies (E/1980/6/Add.26), to which the Committee is accordingly referred.

6. The Committee is specifically referred to the United Kingdom's second periodic report on articles 13 to 15 of the Covenant in respect of the above-named Dependencies (E/1990/7/Add.16). The information given for each Dependency in the relevant section of the present report should be read in conjunction with, and in the light of, the information given for that Dependency in the corresponding section of that report.

7. The Committee is also specifically referred to the latest reports submitted in respect of the above-named Dependencies under article 40 of the International Covenant on Civil and Political Rights (CCPR/C/58/Add.6, Part II).

8. Because of the disproportionate bulk of the reference documents that are mentioned as being appended to this report, it is not practical for copies of the appendices to be enclosed with this report, but one copy of each appendix has been forwarded to the Secretariat so that it may be consulted as required.

I. ISLE OF MAN

9. The Isle of Man has a population of 69,788 (1991 census) and an area of approximately 572 km^2.

10. A Crown Dependency with a high degree of autonomy, the island enjoys domestic, political and legislative competence through the ancient Manx Parliament, Tynwald. The United Kingdom Government is responsible for the conduct of the external relations and defence of the island.

Article 10: Protection of the family, mothers and children

11. Isle of Man laws in support and protection of the family as the natural and fundamental group unit of society follow those of England and Wales covering marriage, family benefits, social security benefits, children and young persons, income tax, maintenance orders, married women's property and matrimonial causes.

12. The (United Kingdom) Child Support Act 1991 brought about changes in the tracing of missing fathers and standardization of the calculation of maintenance liability. A working party of officers of the Social Security Division, together with the Clerk to the Justices and the Senior Probation Officer, is reviewing current arrangements to consider to what extent, if at all, these revised procedures should be introduced in the Isle of Man.

13. Child care legislation assumes that a child is someone under the age of 18 years of age. In terms of the age of criminal responsibility, this is said to be 10 years of age. From the point of view of criminal proceedings an adult is deemed to be someone of 17 years and above.

14. Measures taken by the Social Services Division to protect and assist children on the island are implemented fairly and are available to all children and their families who are felt to be in need. No discrimination or prejudice is shown in the allocation of services to children and their families.

15. Tynwald has continued to apply by order to the island the provisions of the United Kingdom Child Benefit Act 1975, and the regulations made thereunder. Whereas previously child benefit was taxable, this was changed in 1986; child benefit is now non-contributory and tax-free. It is paid weekly at the following rates:

£10.45 per week for a child under 5 not at school;

£11.20 per week for a child attending school;

£17.70 per week for a child aged 16 or over and continuing in non-advanced education.

16. One-parent families receive an additional £9.60 per week in respect of the first child. At 31 December 1992, 6,895 two-parent families and 1,304 one-parent families were in receipt of the benefit for 14,517 children.

17. Men and women are guaranteed the right to enter into marriage with their full and free consent under the Marriage Act.

18. The Social Services Division, through its children and family section, offers a range of services designed to protect and assist the family of children who are felt to be in need:

Assistance with day care;

Counselling services;

Child protection services;

Residential/fostering care.

19. Efforts are made at all times to support and keep families together and the resources and policies of the child and family section are geared towards achieving this objective. Only when the child is at risk and work with the family has failed to ensure that he/she will not be subjected to harm will the child be removed from the family.

20. Where children have to be removed from their families, efforts are made to return them at the earliest possible opportunity that ensures the safety of the child. If this is not possible, then the child is placed with a substitute foster or adoptive family, to ensure that the child is part of a family which is protective and responsive to his/her needs.

21. The Isle of Man, through the various Children and Young Persons Acts 1966-1992, has provided a range of responsibilities and duties to enable children to be protected and, where necessary, assistance given. In particular, section 1 of the Children and Young Persons Act 1969 gives the Department the power to "make available such advice, guidance and assistance as may promote the welfare of children by diminishing the need to receive children into or keep them in care".

22. The Social services Division has also developed policies and practices which are designed to ensure that the child is protected from abuse, be that of a physical, sexual or emotional nature. In addition, legal powers contained in section 2 of the Children and Young persons Act 1969 ensures that action can be taken to remove a child who is felt to be in need of care, protection or control from the care of his parents where, if he/she were to remain, he/she would suffer or be at risk of suffering harm.

23. During the period covered by this report changes have been made in respect of the provision in the Social Security Acts for widows and dependent children. The changes, introduced in the United Kingdom from 11 April 1988, were also introduced in the Isle of Man from the same date.

24. The new arrangements provide:

Widow's payment: a lump sum payable immediately on widowhood - at present £1,000;

Widowed mother's allowance, comprising a basic allowance, plus extra amounts for dependent children - present rates: £54.15 allowance; £10.85 for each dependent child;

Widow's pension: a weekly pension payable immediately, or when the widowed mother's allowance ends - present rate; £54.15.

25. For one-parent families additional provision is included in the supplementary benefit, the family income supplement and the disability working allowance.

26. The lone parent on supplementary benefit may earn up to £15 a week (£5 a week for others) before benefit is reduced and, if working and earning low wages, is regarded as being in full-time employment for the purposes of claiming family income supplement and the disability working allowance, when working for 24 hours or more (30 hours for other claimants).

27. The welfare benefits provided for low-income earners are received by all families in this targeted area with the exception of the supplementary benefit, which is utilized as part of the migration policy of the Isle of Man Government to assist the maintenance of a low percentage of unemployment.

28. This system utilizes the residential qualifications as a basis for determining eligibility for the payment of supplementary benefit.

29. The island also has various reciprocal agreements on social security with relevant countries.

Maternity protection

30. Tynwald has applied by Order to the island the relevant provisions of the Social Security Act 1986 of the United Kingdom. A maternity allowance of £42.25 may be paid to a woman who has worked and paid national insurance contributions for a minimum of 26 weeks in the 52 weeks ending in the fifteenth week before the week in which the baby is due. The allowance is paid for a maximum period of 18 weeks starting at the earliest 11 weeks before the week of confinement. A family receiving supplementary benefit, family income supplement or the disability working allowance may be able to get a lump-sum payment of £130 to assist with the purchase of items for a new baby. The Isle of Man Government is continuing to look at the development of maternity leave and benefits.

31. The provision of 18 weeks' unpaid maternity leave is a statutory requirement if a woman has been employed for at least two years prior to the eleventh week before the birth of a child and as long as the woman is to return to employment with the same employer. The period of leave after confinement is six weeks.

Employment of children

32. General protections relating to the employment of children are contained in the Employment of Women, Young Persons and Children Act 1930 and the Children and Young Persons Act 1966.

33. Parents of a child who is under 16 years of age are required to register their child with the careers office of the Department of Education if their child wishes to work. The Department arranges a medical for the child and then issues a permit for suitable employment. The hours children under 16 years of age are allowed to work are limited as follows:

School holidays: 5 hours a day but only 2 hours on Sunday, limited to a maximum of 25 hours a week;

School term: 1 hour before school, 2 hours after school. Five hours on Saturday and 2 hours on Sunday.

All the hours worked must be between 7 a.m. and 7 p.m. No figure is available as to the total number of children registered as working at any one time as this varies considerably from week to week.

34. Under the 1930 Act children under the age of 14 years are not permitted to be employed in any industrial undertaking. In addition persons under 16 who are so employed are required to be entered in a register maintained under the Act. The Act implemented the Convention fixing minimum age for admission of children to industrial employment.

35. The 1966 Act contains further general restrictions on the employment of children and in particular imposes restrictions on any employment of children who have not attained the age of 13 years.

36. Statutes also contain specific restrictions such as restrictions on the employment of persons under 18 years of age on merchant ships and on street trading by persons under 16.

37. Legislation contains a range of controls for the prevention of cruelty and exposure to moral and physical danger. These include offences relating to prostitution of girls under 16, allowing persons under 16 to be in brothels, preventing persons under 16 being used for begging, supplying intoxicating liquor or tobacco to children and requiring provision for safety of children at entertainments.

38. No Isle of Man children are engaged in full-time employment, and there is no mechanism by which information on the employment of children (including in families, households, farms or businesses) on a part-time or holiday basis can be collected.

39. The law in the Isle of Man relating to children is in general non-discriminatory, therefore, all groups of children, regardless of personal circumstances, are given the same degree of assistance and protection.

40. Information is available to children from various sources including government, parochial, voluntary and domestic. The relatively small size of the Isle of Man community means that information is widely available and easy to obtain.

41. No shortcomings in the above arrangements have been identified. There have been no relevant changes in legislation or court decisions since the last report.

42. The Isle of Man laws in support and protection of the family as the natural and fundamental group unit of society follow those of England and Wales covering the areas set out in 2 and 3. As far as international assistance is concerned, the Isle of Man has entered into reciprocal agreements on social security with the following countries:

Australia
Austria
Bermuda
Canada
Finland
Iceland
Cyprus
Israel
Jamaica
Jersey and Guernsey
Malta
Mauritius
New Zealand
Norway
Sweden
Switzerland
Turkey
United States
Yugoslavia and the
European Union countries

Article 11: Right to an adequate standard of living

43. The Isle of Man is regarded as having a very high standard of living. Living conditions for the population have continuously improved during the reporting period.

44. The island's overall gross national product per capita for 1991/92 (the latest figures available) was £7,793. Statistics are not available with regard to the poorest 40 per cent of the population and there is no "poverty line" in existence. The Isle of Man does not maintain a physical quality of life index.

General

45. The Isle of Man, by applying by order the enactments of the United Kingdom, has provided welfare benefits and a guaranteed income for those who are unemployed, sick, retired or in receipt of low earnings. The rates of some benefits are higher in the Isle of Man as compared with the rate in the United Kingdom, as a result of purely local initiatives, for example, the retirement pension (Pension Premium Scheme 1990, Pensions Supplement Scheme 1992).

46. The following benefits are payable in the Isle of Man:

Unemployment benefit;

Sickness and invalidity benefits;

Maternity benefit;

Guardian's allowance;

Retirement pension;

Funeral payment;

Industrial injuries: injury benefit;
disablement allowance;
death benefit;

Attendance allowance;

Severe disablement allowance;

Invalid care allowance;

Disability living allowance;

Old person's pension;

Age addition to retirement and old person's pension;

Supplementary benefit;

Family income supplement;

Disability working allowance;

Child benefit;

Personal injuries civilian scheme.

47. Notwithstanding that the United Kingdom no longer operates a similar scheme (having switched to a system of income support in 1988), the Isle of Man continues to operate a supplementary benefits scheme designed primarily to ensure the provision of cash benefits to individuals (or families) to help them satisfy basic needs when the resources they have fail to do so. The cash benefits (the levels of which are approved by Tynwald) are of two kinds: (i) weekly income, (ii) single payments (by way of grants) of a lump sum to meet exceptional, non-recurring needs. The Department operates for 1.81 per cent of the pensioner population of the island, and the standard of such accommodation is high. The National Assistance Act and the Chronically Sick and Disabled Persons Act empower the Department to establish other homes for those who are in need of care and attention and for promoting the welfare of those who are blind, deaf and dumb, and others who are substantially and permanently handicapped by illness, injury or congenital deformity.

48. In order to protect the island's population and social resources from undue immigration from other territories, of persons who are unable or unwilling to provide an adequate basic standard of living for themselves, supplementary benefits are normally only payable to persons who have prescribed connections with the Isle of Man.

Right to adequate food

49. The Isle of Man has more than adequate food and the population of the Isle of Man has adequate means to produce food in order to maintain a satisfactory state of nutrition. The population does not suffer from hunger or malnutrition.

50. The Isle of Man Health Services continually assess the state of nutrition in the context of ante-natal services, infant welfare, school health services, medical nursing services. Nutrition is also taken into account in diagnosing treatment and counselling and in the care of the elderly.

51. There have been no changes in national policies, laws or practices negatively affecting the access to adequate food by any sector of the population.

52. A well-developed system of supply and distribution exists and access to food is not a problem on the Isle of Man due to the island's size and the relatively high standard of living enjoyed by the population.

53. The Isle of Man Government supports the development and organization of the indigenous agricultural, horticultural and fisheries industries by way of a system of grants and loans which reflect those in operation in the United Kingdom and the European Union.

54. The Government provides an advisory service to its basic industries intended to encourage the improvement of the efficiency of production and the quality of produce. The island's industries operate to a relatively high degree of efficiency and a surplus of foodstuffs is exported under the arrangement permitting free movement of goods within the European Union.

55. A modern efficient system of social and health services ensures that the disadvantaged in society are provided with the wherewithal to live to a reasonable standard and to derive adequate nutritional advice.

56. Given the relatively high standard of living of the whole community no measures of agrarian reform have been deemed necessary. The Isle of Man Government has found it unnecessary to take any measures in order to ensure an equitable distribution of world food supplies in relation to need.

Right to adequate housing

57. The number of households in the Isle of Man increased from 24,348 in 1981 to 27,316 in the 1991 census. During the same 10-year period the average size of households on the island decreased from 2.66 to 2.55 persons per household; 18,171 householders own their own houses, 5,222 rent from government or local authorities, 3,325 rent from private landlords and 335 rent from their employers.

58. There are believed to be some 6 to 10 persons on the island who are intentionally homeless. There are no other homeless individuals or families.

59. The 1991 census showed 120 households without bath or shower and 44 with no flush toilet. Grant assistance (including up to 100 per cent assistance in cases of financial hardship) is provided by the Government for the installation of such amenities.

60. Persons identified as living in overcrowded or damp accommodation are treated as urgent cases in terms of public sector housing lists and are usually housed within a few months of identification. No households are known to be living in structurally unsafe housing.

61. There are no people known to be classified as living in "illegal" settlements or housing. It is estimated that perhaps 200-300 persons may have been housed in public sector housing following eviction. Some 600-700 persons are estimated to be living in lodging accommodation and have no protection against eviction.

62. The Government's subsidized mortgage scheme ensures that persons purchasing their accommodation under that scheme pay no more than one quarter of their combined income on mortgage repayment. The Isle of Man Department of Health and Social Security provides assistance with housing costs for those receiving welfare benefits.

63. There are at present some 1,115 persons on the public sector housing waiting list. However, some 25 per cent of them are estimated to have included their names only as "insurance" against possible future housing need.

64. Housing allocations average 300 per year. The length of waiting varies according to priority and urgency, ranging from immediate allocation in the case of evictions to two to three years for non-urgent cases.

65. The Government has a building programme for public sector housing of some 120 units per year, at a cost of £7.5 million per year.

66. There is various legislation in the Isle of Man affecting the realization of the right to housing:

(a) Legislation which gives substance to the rights to housing in terms of defining the content of this right and legislation such as housing acts, homeless person acts, etc.;

The Housing Acts 1950 to 1990.

These establish the duty of government and local authorities to provide public sector housing and provide that persons may be included on the waiting list for that housing subject to a residential qualification (which may be waived in appropriate circumstances).

(b) Legislation relevant to land use, etc.;

Town and Country Planning Acts 1934 to 1991 and associated all-island, sector and local development plans.

(c) Legislation concerning the rights of tenants to security of tenure, etc.;

The Landlord and Tenant Acts 1954 to 1976 give the courts power to defer evictions at their discretion.

The Housing (Rent Control) Acts give tenants powers to appeal to a rent control appeal tribunal to set a fair rent.

(d) Legislation concerning building codes, etc.;

Building Control Act 1991 and Building Regulations 1993 (based on the United Kingdom Building Regulations).

(e) Legislation prohibiting any and all forms of discrimination in the housing sector;

There are no restrictions on who can purchase property in the island. The Housing Acts lay down a 10-year residential qualification for public sector housing but with discretion to waive this in appropriate circumstances (for example, urgent housing need).

(f) Legislation concerning environmental planning and health in housing and human settlements;

Housing Acts 1950 to 1990;

Public Health Act 1990;

Isle of Man Development Plan Order 1982 (as amended).

67. Other measures taken to fulfil the right to housing are:

(a) Measures allowing the "informal sector" to build housing, etc.;

The Housing (Miscellaneous Provisions) Act 1976 allows for the operation of housing associations and for government financial support for those associations. Two such associations operate at present.

The Government provides financial assistance and/or makes land available to developers to encourage the provision of low-cost housing for first-time buyers.

(b) Measures taken to build housing units, etc.;

Public sector house building programme - 120 units per year, £7.5 million.

Rent subsidies for public sector housing - £3.5 million per year.

Government mortgage scheme for First-Time Buyers - £5 million per year.

(c) Measures taken to release utilized land, etc.;

The Government has a policy of acquiring suitable land for a landbank which can be released for public/private housing as required.

Zoning of land in the Island's Development Plan.

(d) Financial measures taken by the Isle of Man;

The 1993/94 Gross Revenue Budget for the Department of Local Government and the Environment was 22.3 per cent of the Gross National Revenue Budget (source: IOM Budget 1993/94).

(e) Measures taken to ensure that international assistance for housing and human settlements is used to fulfil the needs of most disadvantaged groups. Not applicable.

(f) Measures taken to ensure the development of small and intermediate urban centres;

The Government's housing programme includes the provision of small housing developments in village and other rural areas.

(g) Measures taken during, inter alia, urban renewal programmes.

This is not applicable.

68. There have been no changes in national laws, policies and practices during the reporting period which negatively affect the right to housing.

69. There is no international assistance in the realization of the rights enshrined in article 11.

Article 12: Right to physical and mental health

70. The recently appointed Director of Public Health is presently compiling his first annual report, which will provide valuable information in relation to the mental and physical health of the Isle of Man. Publication is expected in 1994. The Director of Public Health has also recently commissioned the first lifestyle study for the island, which is also expected to be published during 1994.

71. The Department has a number of policy objectives which are highlighted in the Isle of Man Government's Policy Report 1992:

(a) To maintain and, where necessary, improve the physical and mental health of the people of the island through prevention and treatment of illness, disease and disability on the basis of equality of access to services in accordance with clinical need.

(b) To provide for a comprehensive and readily available range of acute services within a hospital sized to meet the acute care needs of the population in the twenty-first century.

(c) To provide for a comprehensive and readily available range of practitioner and non-acute health services in community settings and, in particular, to move away from institutional provision for the elderly, the mentally ill and others requiring longer-term health care.

(d) To ensure the coordinated provision of health and social services.

(e) To achieve greater awareness by the people of the island of individual responsibility for the maintenance and improvement of personal health through the adoption and maintenance of a healthy lifestyle.

72. Policy objective indicated under (c) deals with the provision of the practitioner services - general practitioners, dentists, opticians and chemists, and continues to be arranged through contracts with self-employed practitioners. The extent to which demand is satisfactorily met is continually monitored through legislative mechanisms.

73. The World Health Organization identifies eight activities as central to primary health care:

Health education;

Promotion of food supply and proper nutrition;

Safe water and basic sanitation;

Maternal and child health;

Immunization;

Prevention and control of those diseases which are local priorities, in view of their prevalence and importance;

Basic treatment of health problems;

Provision of essential drugs.

These activities require a multidisciplinary approach between the Department's Director of Public Health, general practitioners, and the island's Department of Local Government and the Environment, which is responsible, inter alia, for monitoring safe water and sanitation.

74. The Director of Public Health is the link between these three services and his role is one of being a principal source of medical advice (in particular with regard to public health) to the Department of Health and Social Security. He is responsible for directing and developing the public health medicine functions on the island and, together with the other members of his Unit Management Team (administrative and nursing) for managing and coordinating the community services on behalf of the Health Services Division of the Department. He works closely with the Isle of Man's Department of Local Government and the Environment on environmental health matters,

including the control of infectious diseases and food poisoning, and to this end has implemented a policy for the control of notifiable diseases (which is subject to review).

75. The island's continuing commitment to primary health care is shown with the appointment of the Director of Public Health from January 1993, whose role has expanded as compared with that of his predecessor, the Community Physician, in an effort to maintain and improve standards in this field of assistance to the population.

76. To put the expenditure into perspective, the Isle of Man Government's 1991 census report showed the population standing at 69,788. The island's GNP for 1990/1991 was £508,948,000, and the actual expenditure on the Isle of Man health services (including gross revenue and capital expenditure) was £46,587,996, this being 9.15 per cent of GNP. This figure is subject to substantial change dependent on the Department's capital expenditure schemes, and may rise over the next 10 years as the construction of a new acute general hospital comes on stream. The expenditure on primary health care is difficult to express as a percentage of GNP if the WHO definition is taken into consideration. However, if expenditure on community services and family practitioner services gives a good guideline, this expenditure represented 2.1 per cent of GNP in 1990/1991.

77. The following chart shows the island's birth rate, the infant mortality rate for those under one year and under five years of age, and the death rate as a percentage of total deaths, as well as the death rate per thousand live births.

78. In an effort to determine to what extent there is a problem in the access to safe water and adequate sanitation disposal facilities on the island, information can be drawn from housing condition surveys conducted in 1984 and 1989 that were commissioned by the Isle of Man Department of Local Government and the Environment. The 1984 survey assessed a random sample of 1,000 dwellings, and the 1989 survey returned to these dwellings for reassessment. Information given in the surveys showed that the housing stock of 28,962 in 1984 has increased to 30,121 by 1989, when occupancy rates were measured at 98 per cent. As part of the method for determining unfitness of dwellings, the indicators of lack of amenities were utilized. These indicators included lack of or inadequate water supply and lack of sanitary conveniences. The number of dwellings lacking amenities declined from just over 1,000 dwellings or 4 per cent in 1984, to approximately 500 dwellings or 2 per cent in 1989.

79. Supplementary to housing conditions, the Public Analyst routinely tests water samples from around the island. Although accurate statistics are not available on the number of dwellings deriving their water supply from a private well or stream, it is stated that the numbers of these types of dwellings are negligible.

Isle of Man

Year	Birth rate			Deaths under 1			Deaths under 1 as % of total deaths	Deaths under 1 per 1,000 of live births	Deaths under 5			Deaths under 5 as % of total deaths	Deaths under 5 per 1,000 of live births
	Male	Female	Total	Male	Female	Total			Male	Female	Total		
1981	385	367	752	6	6	12	1.6	15.9	7	6	13	1.3	17.3
1982	378	346	724	2	5	7	0.9	16.6	2	6	8	0.8	11.0
1983	321	359	680	8	4	12	1.7	17.6	10	5	15	1.6	22.1
1984	345	321	666	4	3	7	1.0	10.5	4	3	7	0.7	10.5
1985	345	358	703	2	2	4	1.5	5.7	2	3	5	0.5	7.1
1986	363	346	709	5	6	11	0.6	15.5	6	5	11	1.1	15.5
1987	353	376	729	3	1	4	0.4	5.5	4	2	6	0.6	8.2
1988	405	376	781	3	2	5	0.6	6.4	4	2	6	0.6	7.7
1989	408	409	817	7	-	7	0.6	8.6	5	2	7	0.7	8.6
1990	460	428	888	7	3	10	1.0	11.3	7	4	11	1.1	12.4
1991	466	426	892	1	2	3	0.3	3.4	1	2	3	0.3	3.4

80. Under the guidance of the Director of Public Health, the Department is following a policy of childhood immunization which ensures treatment to children at the following stages:

Code	D/T/P	=	Diphtheria, Tetanus, Pertussis
	Hib	=	Haemophilus Influenza B
	MMR	=	Measles, Mumps, Rubella
	BGG	=	Bacille Calmette-Guerin

By	6 months	3 does D/T/P and Polio or D/T and Polio 3 doses Hib
	18 months	MMR
	School entry	4th D/T and Polio
	16 years	BCG Tetanus and Polio Booster Rubella if missed MMR (girls)

This policy runs in conjunction with the General Practitioners Contract (GP Contract) and although at this stage exact statistical information is not known on the uptake of the immunization programme the GP Contract states that targets should be achieved within each practice.

81. Shown below is a table of expectation of life in the Isle of Man in 1991 at birth and at selected ages, prepared by the Economic Affairs Division of the Isle of Man Treasury. There are no further statistics available to allow the desegregation of information to urban/rural and by socio-economic group.

Age	Males	Females
0	71.47	79.92
1	70.62	79.30
2	69.62	78.30
3	68.62	77.30
4	67.62	76.30
5	66.62	75.30
10	61.62	70.30
15	56.76	65.30
20	52.34	60.57
25	47.64	55.69
30	43.47	50.80
35	38.93	46.01
40	34.35	41.11
45	30.13	36.33
50	25.83	31.79
55	21.61	27.25
60	17.44	22.82
65	13.99	18.44
70	10.68	14.47
75	8.39	11.20
80	5.89	7.92
85+	4.14	5.83

82. The National Health Service (NHS) is available to all residents of the Island, allowing all of the population to have access to trained personnel for the treatment of common diseases and injuries, with regular supply of 20 essential drugs within one hour's walk or travel, all pregnant women having access to trained personnel during pregnancy, and being attended by such personnel for delivery.

83. In 1992, there were 848 births on the island, of which 844 were delivered in the maternity wing of the Acute General Hospital. Four children were delivered at home assisted by trained personnel.

84. The Isle of Man has had no cases of deaths of women during or after pregnancy, as a result of their condition in the five years up to the date of this report.

85. The information that is available does not suggest that there are any groups whose health situation is significantly worse than that of the majority of the population. As stated above, any such groups are entitled to use the National Health Service to the full extent. The educational process required to ensure that any such persons do make use of the service is a responsibility of the Director of Public Health. This matter is ongoing, and it is within his role to identify areas on the Island that are disadvantaged. An information system is being developed to assist him in this task.

86. The measures taken by the Isle of Man to reduce the stillbirth rate and infant mortality and to provide for the healthy development of the child areas are as follows. Women are encouraged to attend ante-natal care that is undertaken by the staff of the Community Section of the Department of Health and Social Security. Recently, the Department approved an increase in the establishment from two to three obstetrician and gynaecologist consultant posts. Parents are supported by community nursing staff who undertake an intensive programme to assess the health of each child. Visits are undertaken under the United Kingdom Community Care rules.

87. The Isle of Man Government has enacted comprehensive legislation relating to environmental and occupational health. This legislation is enforced by appropriately qualified public servants, whose services are available to all residents of, and visitors to, the Isle of Man. A comprehensive statutory notification system is operated by the Director of Public Health, assisted by the Department of Local Government and the Environment to prevent, treat and control epidemic, endemic diseases.

88. The National Health Service (1948) Act, which embodies the philosophy of the Department, actively encourages a comprehensive health service from the "cradle to the grave". It is the Department's responsibility to ensure that all people are entitled to service, irrespective of age, class or other considerations, and that all people make full use of the services available.

89. The community has the opportunity to participate in planning, organization, operation and control of primary health care through the lobbying of their readily accessible publicly elected political members of the Isle of Man Government.

90. A health promotion function exists within the Department of Health and Social Security which considers all aspects of health education and preventative medicine. This function is provided under the auspices of the Director of Public Health.

91. International assistance does not play a role in the full realization of the rights enshrined in article 12.

II. GUERNSEY

92. The population of Guernsey is 58,867 (1991 census). It has an area of approximately 70 sq. km.

93. Guernsey is a Crown Dependency which enjoys full independence except for international relations and defence, which are the responsibility of the

United Kingdom Government. The island is governed by an elected Legislative Assembly, the actual day-to-day administration, however, being conducted through various committees formed by members elected from the legislature. These committees are given specific portfolios of responsibilities and are supported by an efficient, skilled and stable civil service.

Article 10: Protection of the family, mothers and children

94. The Government has currently under consideration the following Conventions:

Convention on the Elimination of All Forms of Discrimination Against Women;

Convention on the Rights of the Child;

World Declaration on the Survival, Protection and Development of Children.

95. The meaning given in Guernsey to the term "family" is similar to that given in England and Wales.

96. The age of majority is 18 for all purposes.

97. Marriage can only be entered into with the full and free consent of each party.

98. The social culture and political policies in relation to the protection of the family, mothers and children have the objective of creating and sustaining a society in which individual effort is rewarded, but where necessary support and assistance, often with voluntary help, is provided for the less fortunate and deprived.

99. Various government departments provide a comprehensive system of social work services. These include financial assistance in the form of supplementary benefits to special groups in society with a low income, sickness benefits, accident benefits, invalidity benefits and widow's benefits, as well as grants in special cases. Family allowances are also available for dependent children receiving education, up to the age of 19, regardless of family income. Families where a man is caring for the children of the family alone are also included; thus, in cases of need, a parent of a child is entitled to social security benefits. There are no families which do not enjoy the benefit of such protection or do so to a lesser degree. Where a person who is not the parent of a child has its care he is entitled to a guardian's allowance.

100. Separate parochial assistance is also available for unemployed persons or families on low income.

101. Relevant social security legislation is as follows:

The Attendance and Invalid Care Allowances (Guernsey) Law 1984;

The Supplementary Benefit (Guernsey) Law, 1971;

The Supplementary Benefit (Classes of Persons to which the Law applies) Ordinance, 1988;

The Family Allowances (Guernsey) Law, 1950;

The Public Assistance Law, 1937.

All benefits and allowances are regularly reviewed and adjusted to maintain their real value.

Maternity protection

102. Although there is no legislation in relation to maternity leave, nevertheless maternity benefits, including a maternity grant and a maternity allowance for 18 weeks during the period of confinement, are available to all women in Guernsey who pay social insurance contributions or whose husbands do so.

103. However, conditions of employment in the civil service, in education and nursing provide for maternity leave after 12 months of service as follows: civil service - 6 months leave of which 15 weeks is paid leave; nursing - 18 weeks paid leave; and education - 40 weeks paid leave. Maternity leave arrangements are also included in employment contracts in some areas of the private sector.

Employment of children

104. The employment of children in Guernsey is controlled and restricted by the provisions of three separate laws:

Loi Ayant Rapport à La Protection des Enfants et des Jeunes Personnes, 1917;

Loi Ayant Rapport a L'Emploi des Femmes, de Jeunes Personnes et des Enfants, 1926;

The Education (Guernsey) Law, 1970 (section 47).

105. In addition to these three laws there exist other pieces of legislation and regulations which are specifically concerned with health and safety matters in relation to children's employment:

The Safety of Employees (Miscellaneous Provisions) Ordinance, 1952;

Health and Safety at Work (General) (Guernsey) Ordinance, 1987.

106. The 1917 Law provides specific restrictions in relation to the employment of children, and section 47 of the Education (Guernsey) Law, 1970, provides the Government with the power to prohibit or restrict the employment of children if such employment is considered to be prejudicial to their health or otherwise render children unfit to obtain the full benefit of education

provided for them. This particular provision of the law provides some degree of protection for children against economic exploitation, and all children are equally protected under the legislation.

107. However, the legislation relating to the employment of children is currently under review because of concern that the law, as it stands, may be insufficient to safeguard children's interests, and that separate pieces of legislation serve only to create confusion and misunderstanding amongst parents and employers. The Government, therefore, is working towards the introduction of a new law (to be known as The Employment of Children (Guernsey) Law, which will incorporate the most useful parts of the existing legislation together with amendments and new provisions. This will result in a single, coherent and consolidated piece of legislation which should provide adequate protection for children in Guernsey. It should also ensure that the community as a whole will have a clearer understanding of precisely what restrictions exist in relation to the employment of children.

108. The protection of children and young persons is also achieved in a number of other ways.

109. The Children and Young Persons (Guernsey) Law, 1967, enables the protection of children to be obtained by Court Order, and the Child Protection (Guernsey) Law, 1972, enables day carers, nurseries, childminders and foster carers to be approved. The Adoption (Guernsey) Law, 1970, enables the relevant government department to fulfil the functions of a registered adoption agency.

110. The Government subscribes to the principles of the United Kingdom Children Act of 1989, seeking to maintain a child's relationship with its parents and avoiding recourse to legal protective measures wherever possible, but will offer support and services in a voluntary capacity as appropriate.

111. The Government maintains two residential short stay units - Greenfields for adolescents and Garden Hill for pre-adolescents. Greenfields also incorporates a close supervision unit for young persons who are in crisis or awaiting a court appearance. A long stay unit as a family group home is provided at Les Genats. In addition, two homes are provided by voluntary organizations, Maison St. Pierre for young women with or without children, and Peacehaven for homeless young men aged 16 upwards. The Government also provides sheltered accommodation for women with children who are either homeless or are subject to domestic violence.

112. The Government operates a range of preventative/support/education services for the family which includes a family centre, group work activities for young people, intensive support for adolescents and a social work service for families under pressure.

113. There is close liaison with the education, health and police departments with regard to the protection and care of children. A child protection committee meets regularly to review all matters concerning the protection and care of children and issues inter-agency guidelines and procedures for child protection. An inter-agency adoption panel considers adoption issues, applications to adopt and the suitability of prospective adopters. A foster

panel approves foster carer applications. Although provision is made for short-term foster care and residential care when necessary, long-term foster care and adoption are considered if this is in the best interest of the child.

114. The Government also has a discretionary preventative budget to help deprived families both practically and financially and in this respect works closely with statutory and voluntary agencies. Volunteers (the Befrienders Group) are also available to give family support where needed.

Article 11: Right to an adequate standard of living

115. With a buoyant economy and generally relatively full employment (unemployment rate, 2.2 per cent) which provide for an efficient society with a good standard of living (per capita income of £14,000 in 1991) the Government has seen no necessity to legislate specifically on the achievement of an adequate standard of living. The main areas of employment in Guernsey are:

Finance and banking;

Tourism;

Horticulture/agriculture/fishing; and

Key service industries

Right to adequate food

116. The population enjoys a wide and plentiful range of basic foodstuffs imported via the United Kingdom from all over the world, as well as home-grown produce. Guernsey is self-sufficient in milk, which is particularly high in butter fat content (4½ per cent). However, a range of fat reduced milk is available from full cream to skimmed milk. All milk supplied is fresh pasteurized and no reliance is placed on UHT milk. The cream removed from the milk is made into butter and cream products, and surplus milk is used to make yoghurt and cheese. The Island Dairy was redeveloped and modernized in 1990. United Kingdom guidelines are followed in relation to milk production and hygiene and EC minimum standards are exceeded.

117. Guernsey breed bovine semen is imported to improve the local herds. Improved milk yields have been achieved both as a result of these genetic improvements and better management techniques. The Animals and Animal Products (Import and Export) Ordinances (1952-1963), and the Poultry Carcases Importation Ordinance, 1981 are designed to protect the health of island cattle and poultry.

118. Potatoes and other vegetables are grown locally but not in sufficient quantity to meet local demand. Adequate supplies however are imported from the United Kingdom.

119. An Agricultural Advisory Service is available to advise on crop and management improvements and a Government Loans Scheme of £250,000 with

preferential interest rates is available to encourage the modernization of agricultural equipment and facilities.

120. The provision of a constant supply of potable water is recognized as an essential ingredient for an adequate standard of living. The island's water resources are protected by the Prevention of Pollution (Guernsey) Law 1989 in order to prevent pollution from agricultural nutrients and the occasional leak of fuel oil. Saltwater intrusion is not generally a problem as the coastal areas lie outside the water catchment areas.

121. Water is stored in disused granite quarries and a purpose-built reservoir. The acquisition and development of additional storage capacity is planned both as a safeguard for drier seasons and to meet future increases in demand. Currently the island's total water storage capacity is 3,757 megalitres (826 million gallons). In addition the collection of water from previously untapped sources is also in progress.

122. Efforts to improve water quality are constantly being pursued by the renewal and renovation of old cast iron mains and galvanized service pipes, the installation of new clarifiers at the island's two treatment works and the installation of a destratification system in St. Saviour's Reservoir to control algae growth and improve oxygen levels. Similar installations are being designed for the two largest quarry reservoirs. The beneficial result has been a reduction in aluminium residuals and trihalomethanes (THMs). The use of triazine herbicides has been partially banned, and attempts to introduce a code of practice with regard to the use of nutrients on the land are being vigorously pursued. Water quality is well within United Kingdom and EC standards.

123. In excess of 95 per cent of Guernsey residences have a public water supply (21,279 connections), the remainder using private well or borehole water. There is a constant demand of between 1 and 2 per cent annually for new connections to the public water supply.

124. Local legislation on food hygiene is currently under review and once updated the accompanying training, information and education of appropriate food handlers will ensure a high standard in food hygiene.

125. The numbers of food surrenders and complaints has decreased markedly since 1989 due to the development and enforcement by the Environmental Health Officers of standards for the transport of perishable foodstuffs to and from the islands of the Bailiwick of Guernsey, and for food handling generally.

Right to adequate clothing

126. Under section 41 of the Education (Guernsey) Law, 1970, the Government provides assistance towards school clothing to any registered pupil who, by reason of family circumstances, does not have adequate clothing to enable him/her to take full advantage of the education provided. During 1991/1992 426 clothing grants were issued to primary school children. In addition head teachers of secondary schools are allocated a sum of money to enable them to provide assistance to needy families with the cost of articles of school uniform, and 19 families were assisted in this way during 1991/1992.

127. The provision of clothing grants is presently under review, but whereas many United Kingdom local education authorities are restricting or discontinuing the provision of clothing grants, Guernsey continues to provide a comprehensive system of assistance in respect of school clothing for disadvantaged families.

128. The various allowances and benefits available from the social services are provided in order to bring a person's income up to the level which is considered to be the minimum amount required to live on. They are available to persons on low incomes either because of unemployment, or bodily or mental illness or disablement caused by sickness or accident. When a family is involved these benefits and allowances are intended to provide adequate food and clothing for the benefit of the whole family. Assistance towards payment of rent is also included. Voluntary organizations also assist by providing clean, used clothing for families in genuine need and hardship. Clothing can also be purchased cheaply from thrift shops and charitable events.

Right to housing

129. There is no legislation in Guernsey which defines a person's right to housing, but the Housing (Control of Occupation) Law preserves the majority of dwellings for occupation by Guernsey persons (residential qualifications are specified) and essential workers.

130. A high proportion of households (68.4 per cent) live in owner occupied housing. Approximately 21 per cent of accommodation is privately let.

131. The Government administers a stock of dwellings, approximating to 10 per cent of the total housing stock, for letting to persons of moderate means, and is implementing a programme of improving the quality of that stock so that the older rental dwellings in particular are brought up to the standards expected in the 1990s. In addition the Government has constructed a quantity of one-bedroomed dwellings for rent to rehouse elderly tenants for the purpose of reallocating family-sized dwellings to families occupying inadequate accommodation.

132. In all types of tenure, household density has fallen since 1971 consistent with modern trends towards small households.

133. In addition a number of government and private nursing and residential homes provide communal accommodation for the elderly and infirm.

134. The Government administers a housing loans scheme which provides for the issue of loans to house owners, generally at preferential rates of interest, to enable essential repairs, improvements and modernization programmes to be carried out. For elderly persons of limited means only a nominal rate of interest is payable during their lifetime and the capital sum is repaid after their death from their estate.

135. The loans scheme also provides for the issue of loans (and the construction of dwellings), principally for young families who are first time buyers. Approximately 100 house purchase loans are expected to be issued during 1993.

136. The present waiting list for Government rented dwellings comprises 87 families and 93 elderly persons or couples, 45 to 50 per cent of whom can expect to be offered a tenancy within 12 months. The accommodation for the remainder is not unsuitable for their present requirements. Nevertheless, both in the administration of rental dwellings and housing loans, the Government has introduced measures to encourage persons who no longer need assisted housing or subsidized loans to relinquish those houses or redeem those loans.

137. There is no housing grant, but a grant scheme exists for the connection of dwellings to the foul water drainage system.

138. Guernsey has no real problem of homelessness or of illegal settlement. All tenants of private and public sector accommodation are protected by the island's eviction laws which provide for a court hearing and a delay in the execution of an eviction order. However, persons who are not tenants (for example, squatters) have only limited protection against eviction, while lodgers have no such protection. The relevant legislation is as follows:

The Law giving the Court Increased Powers to Stay Execution in Actions for Eviction, 1946;

The Rent Control (Guernsey) Law, 1976, which makes provision for the control of rent of leased dwellings;

The Dwelling Profits Tax (Guernsey) Law, 1975, as amended, which imposes a 100 per cent tax on profits arising from the sale, lease, etc., of a dwelling within a certain period of purchase, excluding reasonable profits accruing in a construction business, and is intended to eliminate speculation on dwelling properties.

139. The Island Development (Guernsey) Laws, 1996 to 1990, which make provision for the regulation of development of land, are currently under review. The Building (Guernsey) Law, 1956, makes provision for the regulation of construction of buildings. The building regulations made thereunder have been reviewed and updated, new regulations having come into force in 1993. The Government, through the Development Plan process, is making provision for the construction, if needed, of at least, 2,800 homes during the next 15 years, a proportion of which a s intended to be social housing for first and last time buyers.

140. Modern facilities, such as exclusive use of bath or shower and an indoor toilet, as well as central heating, are now regarded as essential to an adequate standard of living. In Guernsey the total number of households with no bath or shower is 335 out of a total of 21,215 households, whilst 41 have no toilet. Just over 50 per cent of all households have full central heating installed.

141. The Loi relative à la Santé Publique 1934, as amended, and the Ordinance made thereunder, which includes provisions relating to sanitation, overcrowding and other matters of health in connection with housing, is under review.

Article 12: Right to physical and mental health

142. Recognizing the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Government administers a health benefit scheme in the form of medical consultation grants for all adults and children in Guernsey. In addition the Medical Expenses Assistance Scheme, which is income related, is designed to help towards the cost of large bills for surgery, specialist treatment or periods of intensive primary care.

143. Free medical treatment is provided for industrial injuries and partial grants are available towards the cost of treatment for non-industrial accidents. However, all persons who receive supplementary benefit are entitled to free medical treatment. Private insurance schemes are also available for medical protection, but the Government is actively investigating the introduction of a health strategy for the island, based on health gain areas, with the inclusion of human and financial resource components.

144. Pharmaceutical drugs are available to everyone at a minimum prescription charge of £1 but are free for pensioners and families receiving supplementary benefits.

145. Guernsey is basically a healthy society with a good standard of living. The Government provides both acute, mental, long-stay and community health services. The private health care sector provides general practitioner primary health care services and specialist medical and surgical services. The acute hospital has recently been extended to provide a replacement maternity unit, a replacement X-ray department, a fracture unit and a replacement central laundry.

146. The Guernsey birth rate has been maintained at a fairly high level, the mean five-year rolling average for 1987-1991 being 12.1 per 1,000 population. The number of live births averaged 722 in the period 1990-1992, compared with 679 in the period 1987-1989. The mean average stillbirth rate per 1,000 population for the period 1987-1991 was 4.9. The mortality rates per 1,000 live births during the five-year period 1987-1991 were infant mortality rate 4.4; neonatal mortality rate 3.5; early neonatal mortality rate 3.1; and perinatal mortality rate 7.5.

147. Preschool children under five comprise 6 per cent of the population. This number is expected to diminish by the year 2000, reflecting perhaps a lower birth rate due to improved use of family-planning services, with more planned pregnancies. Elderly people over 75 years of age comprise 7.2 per cent of the population. This number is expected to increase by the year 2000. However, births continue to exceed deaths.

148. The Government is working closely with the private sector in developing and delivering the best quality medical and community care to the residents of Guernsey; £38,477,000 (23 per cent) of the total public expenditure budget was spent on health in 1992.

149. In Guernsey infant immunization is given by family general practitioners but paid for by the Government. Infants are protected against poliomyelitis,

diphtheria, whooping cough, tetanus, tuberculosis, mumps and rubella. Life expectancy at birth in Guernsey for males is 75.18 years and for females 80.06 years.

150. The whole population has access to trained personnel for the treatment of injury or disease, with appropriate drugs, and within one hour's walk or travel. Care by general practitioners, specialists and acute/emergency hospital services are available 24 hours a day to everybody if needed. A 24-hour radio control system ensures quick dispatch of ambulances to any accident or emergency illness on land or at sea. All pregnant women have access to trained personnel - general practitioners, midwives and specialists - during pregnancy, and, when necessary, specialized services in the United Kingdom which cannot be offered in Guernsey. As a result, maternal mortality rates per 1,000 total births, live and still, for the period 1987-1992 were nil. All infants have access for care to trained personnel - general practitioners, health visitors, the community paediatrician and paediatric specialists. There is no group in Guernsey whose health situation is significantly worse than that of the majority of the population.

151. Public health and mental health legislation in Guernsey is currently undergoing major review.

152. With regard to the relationship between health and diet, whilst no national nutritional survey has been carried out, a lifestyle survey was conducted island-wide in 1988 and will be repeated in 1993. This indicated that most people were generally aware of what constituted healthy eating. Dietary changes had occurred in 62 per cent of the sample, the consumption of wholemeal bread, high fibre foods, fish and poultry having increased and high sugar content and fatty foods having decreased. A close monitoring of the nutritional status of infants is maintained through the Community Health Service and its health visitors, and the nutritional status of the elderly is monitored through the district nurses and specialist health visitor for the elderly. Schoolchildren are monitored through the Schools Medical Service.

153. Knowledge of the principles of nutrition is disseminated through the schools; through the government Health Promotion Unit, community health nurses and school nurses, and the hospital and community dietitians. The Health Promotion Unit organizes particular nutrition events, including the Heartbeat Award Scheme and Healthy Eating Month.

154. The environmental health officers work closely with all concerned parties, food handlers, etc., on aspects of food hygiene and safety, preparation and disposal, including the running of food safety courses.

155. The Government also recognizes the value of sports, recreation and exercise in the context of physical and mental health and as an alternative to more unhealthy or pathological social conditions (such as drug use and misuse).

156. Approximately 30 different sports are encouraged and catered for in Guernsey which provide opportunities for a wide range of both sporting and recreational activity. These include track and field athletics, basketball, badminton, tennis, cricket, football, rugby, squash, swimming, bodybuilding,

various martial arts, volleyball, netball, cycling, softball, sailing, angling, boating, bowling, golf, hockey, motor-racing, shooting, fencing and paraplegic sports activities. Many of the sports clubs and associations are affiliated to governing bodies in the United Kingdom.

157. The Government has provided an indoor leisure centre (opened in 1976), which includes an indoor swimming pool, sports halls, squash courts, weight training and fitness facilities (aerobics and aqua-fit courses), and a sauna and solarium. A crêche is provided to enable parents to participate in fitness, recreational or sporting activities on the premises. The centre is used by many sports clubs and associations.

158. The Government also operates a number of outdoor facilities, such as rifle ranges, grass pitches for football, rugby and cricket, tennis and netball courts, bowling greens, an 18-hole golf course and open air sea water swimming pools. A modern athletics area incorporating a "Tartan" athletics track and field event facilities, as well as an "Astra" turf pitch, is nearing completion. In addition, both indoor and outdoor sports facilities are provided at all secondary schools.

159. A government loans scheme is available to any private sports club which wishes to undertake structural improvements to its premises. Grant aid is also available towards travel costs for teams and individuals travelling outside Guernsey to compete in regional, national and international events (Island Games, Commonwealth Games), as well as for coaching facilities both within and outside Guernsey.

III. JERSEY

160. The population of Jersey is 84,082 (March 1991 census) and it has an area of approximately 116 sq. kms.

161. Constitutionally, the Bailiwick of Jersey is not part of the United Kingdom but is a dependency of the Crown. Jersey has its own legislature, the States of Jersey, courts of law and administrative and fiscal systems. Jersey is internally self-governing but the Government of the United Kingdom is responsible for the island's defence and external relations and the Crown is ultimately responsible for its good government. The booklet "An introduction to Jersey" provides more specific information (see appendix 1).

Article 10: Protection of the family, mothers and children

162. In Jersey, the meaning of the term "family" is usually taken to have the meaning given in the Family Allowances (Jersey) Law 1972, as amended, which reads:

> "(a) a man and his wife living together, any child or children being issue of theirs, his or hers, and any child or children being maintained by them;
>
> (b) a man not having a wife or not living together with his wife, any child or children being issue of his and any child or children being maintained by him;

(c) a woman not having a husband or not living together with her husband, any child or children being issue of hers and any child or children being maintained by her."

163. By customary law, children are generally deemed to have reached their majority at the age of 20.

164. Men and women are guaranteed the right to enter into marriage with their full and free consent under the terms of the Loi 1842 sur L'Etat Civil, as amended.

165. As far as government benefits are concerned, there are various mechanisms which seek to protect the family as a unit. The Family Allowances (Jersey) Law, 1972, as amended, is a means-tested cash benefit targeted to low-income families. No families in receipt of family allowance pay income tax. Those families above family allowance level are normally required to pay income tax; they benefit from the tax allowances that prevail for married couples and tax allowances for children. Families that have other financial problems may also claim welfare benefits from the parish system which are based on the concept of the family unit. These benefits are strictly means tested and seek to ensure that all families are maintained at least at subsistence level. Family allowance is accessible to everyone in Jersey provided they have a sufficiently low income and have returned evidence of their income to the income tax authorities.

166. The health insurance system in Jersey is also based on the family unit and provides that the dependants of an insured person are covered through contributions paid by that insured person. Once an insured person has paid contributions for six months both he and his family are covered under the Health Insurance (Jersey) Law, 1967. People with very low incomes can obtain free general practitioner and pharmaceutical services through the special Health Insurance Exception Scheme. Extended families are catered for in both the Family Allowance and Health Insurance Laws, whilst the welfare system, being more discretionary than the statutory benefits provided by the Social Security Department, can provide welfare payments to extended families if the need is there.

167. Very few, if any, families fall outside all of the welfare provisions that are targeted to low-income earners. An area that does give some concern is the reassessment of family allowance when migrant workers arrive in Jersey. The issue of reassessment has been addressed, and the law changed to provide help to those people in receipt of family allowance whose income drops substantially. Reciprocal agreements with other countries do exist to provide cover under the Family Allowance Scheme, but such cover does not always begin immediately a family arrives in Jersey. This can be disadvantageous to the family, although many countries allow temporary payments to continue.

Maternity protection

168. There are two strands of maternity protection in Jersey. The first is the existing social security benefit structure, which allows payments of maternity allowance and maternity grant. The maternity allowance is paid for 18 weeks as a compensation for the loss of earnings due to confinement. This

benefit is a contributory benefit payable on the mother's contributions for the one-year period before the birth of the child. Maternity grant, which is a lump sum payment to cover the costs of a newborn baby and some of the costs of the mother, is payable either on the mother's contributions or the married father's contributions, which basically means that virtually every birth in Jersey has a maternity grant claim attached to it. Medical benefits during the period of confinement are covered under the normal health insurance scheme, whilst prenatal and post-natal clinics are operated by the Public Health Committee.

169. The second strand of maternity protection is under active consideration by the authorities in Jersey, in that a voluntary code of good practice for maternity entitlement in employment is currently being debated. The Code seeks to introduce maternity leave and rights to reemployment for prospective mothers. The period of maternity leave corresponds to the 18-week period covered by the maternity allowance. In addition, a statutory maternity pay scheme is also being considered which would provide an enhancement payment in addition to the maternity allowance for women who have been in work and wish to continue in employment.

170. Cash maternity benefits have been in place in Jersey since the inception of the Insular Insurance Law 1951 and have been subsequently improved through the Social Security (Jersey) Law 1974, which repealed and replaced the earlier Law. In essence, the contributory requirements have been eased and liaison with foreign countries which have similar benefits has generally provided protection of these cash benefits when workers migrate from one country to another.

171. It is clear that there are women in Jersey who, because they have the option not to pay contributions, are not covered for social security maternity benefits, in effect the maternity allowance. Whilst the voluntary Code would cover these particular women, measures are being taken for the Social Security Law to be amended so that women who are working have to pay contributions and will not have the option to cease paying. In this way all women who are working would be covered for social security maternity benefits.

Employment of children

172. Children under the age of 16 are required by law to attend full-time education and no children below this age are in full-time paid employment. Legislation governing the employment of children in Jersey is contained in articles 3 to 8 of the Children (Jersey) Law 1969, which empowers the Education Committee to make Orders generally covering the employment of children under the age of 16 years.

173. In general, all laws and policies relating to children in Jersey are non-discriminatory. Consequently, all groups of children regardless of personal circumstances, are accorded the same level of protection and assistance.

174. Jersey is a small, closely-knit community and information on the rights of various groups of children is available from a variety of sources, governmental, parochial, voluntary and domestic.

175. The basis for the Family Allowance Law and the maternity allowance provisions has been changed little in the past 10 years. The family allowance has been extended to cover those children who remain within the family who are in full-time education in school in Jersey. Maternity allowance provisions have been changed in a minor fashion to ensure that there is no abuse of the system by women paying contributions after finding that they are pregnant. Furthermore, minor changes were also made concerning the timing of maternity allowance benefits on the advice of the Consultant in Jersey, who believes that pregnant women should give up their work in good time before having their babies. Currently it is recommended that the maternity allowance period begin six weeks prior to the birth of the child.

176. The new Health and Safety at Work (Jersey) Law, 1989, requires employers to provide reasonable safety for their employees in the workplace. The provisions of the Law recognize the differing abilities of workers and special regard would have to be had for pregnant women who continue to work.

177. There is a significant movement of personnel in and out of Jersey, with particular regard to the seasonal industries, namely tourism and agriculture. There is also a significant finance industry in Jersey which requires personnel to be transferred from larger organizations in other countries, notably the United Kingdom. The authorities have therefore entered into reciprocal agreements with relevant countries which provide protection for these migrant workers both while they are in Jersey and subsequently on their return to their own country. In particular, agreements exist with the United Kingdom, France and Portugal. Provisions relating to family allowances, as well as maternity grants, are to be found in these agreements.

Article 11: Right to an adequate standard of living

178. Jersey is regarded internationally as having a very high standard of living. There has been a continuous improvement of living conditions for the entire population in the post-war period. The overall gross national product per capita for 1991 (the latest figures available) was £19,381. Statistics are not available with regard to the poorest 40 per cent of the population and there is no "poverty line" in existence. Jersey does not maintain a physical quality of life index.

Right to adequate food

179. There is more than adequate food available in Jersey and most of the problems relating to nutrition are those of excess rather than shortage. The people of Jersey would have adequate means to purchase food to maintain a satisfactory state of nutrition.

180. There is a regular general household survey which elicits how much is spent on food and drink; there are specific programmes which coincidentally assess nutritional state, including ante-natal services, infant welfare clinics and school health services; there are very good health, medical and nursing services in Jersey which would take nutrition into account in diagnosis, treatment and counselling.

181. For the elderly, there are large numbers of welfare facilities including day care centres where meals are provided, and a "Meals on wheels" service so that many people who would normally be in vulnerable groups are seen on a regular basis.

182. The population of Jersey does not suffer from hunger or malnutrition. There have been no changes in national policies, laws or practices negatively affecting the access to adequate food. Access to food is not a problem given the small size and relative affluence of the community and the existence of well-developed systems of supply and distribution.

183. The principal measures aimed at improving agrarian systems are marketing and the conservation of agricultural land. In marketing, subsidies are provided to individuals who export through approved channels. So far as conservation is concerned all land deemed to be productive agricultural land may only be worked by a bona fide agriculturalist. Other aids to improve agricultural structures include a preferential loans scheme and subsidies which compensate growers for deficiencies in the soil. In addition, a newly introduced Pesticides Law ensures strict adherence to codes of practice on the use of chemicals, the banning of certain chemicals and a programme of maximum residue levels in foodstuffs.

184. Conservation and cleanliness of the natural and farmed fish stocks for the best long-term interest of the island is also practised. Yields from the fishery are maximized by management, using minimum landing sizes and other types of control. Fish and shellfish are monitored regularly for pollution. Fish farming is actively supported by research, control of zones and monitoring of water quality and produce.

185. The following laws apply:

Agricultural Land (Control of Sales and Leases) (Jersey) Law, 1974;

Protection of Agricultural Land (Jersey) Law, 1964;

Agricultural Marketing (Jersey) Law, 1953;

Agricultural Returns (Jersey) Law, 1947;

Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law, 1965;

Agricultural (Loans and Guarantees) (Jersey) Law, 1974;

Sea Fisheries (Jersey) Law, 1962;

Pesticides (Jersey) Law, 1991.

186. The Department of Agriculture and Fisheries has a demonstration unit and a team of experts who are specialists in virtually all spheres of agriculture and horticulture. Experiments are continually being carried out, and results have contributed to increased yield of production, coupled with economic saving. The Department publishes a monthly guide for growers, advising them

of new developments and offering guidance. The education section of the Department is designed to attract young people and to develop the skills of those already working in agriculture. In the sphere of animal husbandry, subsidies are paid to producers whose cattle are milk recorded and additional supplements are paid in respect of yields in excess of specified minimum standards. The fisheries section has an enforcement team and utilizes a research/surveillance vessel for research work in the capture fishery and to monitor catches. Management measures are changed in the light of research to provide the best long-term yield from the fishery.

187. Various measures are taken to disseminate knowledge on the principles of nutrition. Nutritional knowledge appropriate to the age of children is an integral part of the education system. Specific groups such as ante-natal mothers are given advice on nutrition, in the last year 20 "Look after yourself" tutors have been trained to run classes on a regular basis for a wide variety of individuals. An integral part of the classes is the dissemination of nutritional information. A large amount of information is available in the form of pamphlets, some of which have been translated into Portuguese for the large Portuguese minority in the Island. Classes have also been held for the Chinese community with particular emphasis on hygiene in the production of food. The media - radio, television and press - are regularly used to give information; exhibitions, demonstrations and lectures are arranged by the Health Promotion Unit to disseminate information on nutrition. These measures are all part of the ongoing policy of health promotion adopted by the Public Health Committee.

Right to adequate housing

188. In the 1991 census, 27,611 structurally separate and occupied dwellings were recorded, of which 92 per cent contained a single household unit. A further 1,114 units of residential accommodation were identified as being unoccupied at the time of the census. Between 1951 and 1991, the number of dwellings in Jersey increased from 15,381 to 28,725. In 1991, 32,463 private households with a resident population of 80,218 persons were recorded. These figures give an average number of persons per household of 2.47. Sixteen thousand and eighty-eight or 50 per cent of all households were owner-occupied.

189. There are very few, if any, homeless individuals and families in Jersey. The Housing Committee has a responsibility for housing homeless families with residential qualifications and does so unless homelessness is self-imposed - for example, if a family has sufficient income or assets to house itself. The Committee has hostels to assist with this and has not been required to house families/individuals in bed and breakfast accommodation. The Education Committee also provides accommodation for homeless young people with residential qualifications between the ages of 16 and 20. In addition, various charitable organizations provide emergency accommodation for people who would otherwise find themselves homeless. Whilst such organizations tend to give preference to those with residential qualifications, this is not necessarily always the case.

190. In so far as residentially qualified persons are concerned, the best guide to the number of individuals and families who are considered to live in

substandard or overcrowded conditions, or are in need of rehousing for urgent medical reasons, are the urgent categories on the States of Jersey rental waiting list. As at 31 December 1992, this rental waiting list consisted of 552 families/persons, of whom 360 were in the urgent groups. In addition, there were 79 families/individuals in the Committee's hostels awaiting the allocation of permanent accommodation by the Committee.

191. Residentially unqualified persons are in the main restricted to lodging accommodation. The Public Health Committee controls standards in all lodging accommodation through legal powers and a code of practice. All lodging houses providing accommodation for more than five persons have by law to register with the Housing Committee, which lays down strict conditions for registration - room sizes, number of persons per bedroom, provision of toilets, wash-basins, baths and showers, decor, etc. Reregistration is an annual matter and thorough inspections are made. Currently, there are 130 registered lodging houses providing accommodation for 2,314 persons.

192. There are no people known to be classified as living in "illegal" settlements or housing.

193. No detailed records are available, but it is estimated that the number of tenants evicted over the past five years could be somewhere between 300 and 400. No precise numbers are available, but it is estimated that there are between 5,000 and 7,000 people living in service or lodging accommodation in Jersey who currently have no protection against eviction.

194. The Housing Committee provides generous subsidies for residentially qualified persons buying their first homes, or renting in the public or private sector, whose incomes are not sufficient to meet their housing costs. For first-time buyers, public loans with interest rates as low as 3 per cent are offered in order to avoid purchasers paying more than one third of their income in loan repayments; for private and public tenants with low incomes, subsidies are provided to ensure that not more than a sixth, a fifth, or a quarter of income is paid in rent, depending on level of income.

195. The list for state rental accommodation (which is the only true "housing need list" recognized) stood at 552 at 31 December 1992. The length of waiting varies according to priority and urgency - ranging from one day to five years. Those in urgent need of housing (for example, evictees) are housed in Committee hostels prior to being allocated permanent accommodation; the average length of time in such temporary accommodation is about 18 months. The Committee has taken three measures to alleviate the problem:

(a) It has a massive building programme for States of Jersey rental accommodation, with 850 units built since 1987 and 680 in its current programme;

(b) The introduction of its rent rebate scheme for private tenants, which will be harmonized with the more generous public sector scheme in April 1993, is designed to help people on the list rent affordable private accommodation of good standard;

(c) The Committee is fostering the provision of good standard accommodation at affordable rents by housing associations and trusts, for example by allowing such bodies to develop some of the Committee's own sites, by assisting them with subsidies in order to repay private loans, etc.

196. In 1991, the break-down according to type of housing of the total number of 32,463 households was the following:

Owner-occupied	16,102	49.6%
Public housing	4,415	13.6%
Private rental/service*	11,946	36.8%

* Included in this figure are some 200 units of Housing Association rental units.

197. The laws affecting the realization of the right to housing are the following:

(a) Legislation which gives substance to the right to housing in terms of defining the content of this right:

Housing (Jersey) Law 1949, as amended from time to time;

Housing (General Provisions) (Jersey) Regulations 1949, as amended from time to time;

These prescribe those categories of resident who may lease or buy residential property in Jersey.

(b) Legislation such as housing acts, homeless person acts, etc.:

Act of the States dated 2 February 1950, requiring the Housing Committee to house evicted homeless families other than those who have become homeless through non-payment of rent;

(c) Legislation relevant to land use, etc.:

Island Development Laws and regulations; island plans, including zoning plans;

(d) Legislation concerning the rights of tenants, etc.:

(i) Loi (1946) concernant l'expulsion de locataires refractaires, which give the courts powers to defer evictions at their discretion;

(ii) Building Loans (Jersey) Law, 1950, as amended from time to time;

Building Loans (Miscellaneous Provisions) (Jersey) Regulations 1960, as amended from time to time;

These provide for the granting of subsidized loans to first-time buyers.

(iii) Dwelling Houses (Rent Control) (Jersey) Law 1946, as amended from time to time;

Dwelling Houses (Rent Control) (Jersey) Regulations 1946, as amended from time to time;

These provide for a rent control tribunal to reduce private sector rents in individual cases where it considers rent charged is too high;

(iv) Lodging Houses (Registration) (Jersey) Orders, 1962, as amended from time to time;

Lodging Houses (General Provisions) (Jersey) Orders, 1962, and subsequent Orders;

These provide for the Housing Committee to control registration, standards, etc., of private lodgings which offer accommodation for more than five persons.

(v) Acts of the States during the 1970s, 1980s and 1990s providing rent abatement to public sector tenants;

Acts of the States (1989, 1990, 1992) providing rent rebates for low income private tenants;

(e) Legislation concerning building regulations, etc.:

Building bye-laws, modelled on United Kingdom legislation;

(f) Legislation prohibiting any discrimination in the housing sector;

The Housing Law and Regulations specify who is entitled to rent and buy residential accommodation in Jersey. Within those categories, there is no discrimination.

(g) Legislation prohibiting any form of eviction:

Loi (1946) concernant l'expulsion de locataires refractaires.

(h) Legislation restricting speculation on housing or property, etc.:

Island Planning Law;

Housing Law.

(i) Legislation concerning environmental planning and health in housing and human settlements;

Island Planning Law and relevant public health legislation.

198. The following information relates to other measures taken to fulfil the right to housing.

(a) "Enabling measures" undertaken:

States financial assistance given to housing associations and trusts to provide units at modest rentals for private tenants;

Private developers are able to build units for first-time buyers who receive subsidized States loans;

Private landlords who provide rental accommodation to low-earning tenants are able to charge "fair" rents in the knowledge that tenants can afford those rents with rent subsidies.

(b) The Housing Committee has built 850 public sector rental units since 1987 and has 680 units in its current programme. The Committee also has a current programme of approximately 500 first-time buyer homes, is providing land and financial assistance to Housing Association to build rental units at affordable rents for private tenants and has an ambitious programme for redeveloping older, high density estates.

(c) Rezoning plans contained in the Island Plans approved by the States in the 1980s.

(d) A range of financial assistance is provided, for example,

Rent subsidies - approximately £10 million per year

States loan subsidies - approximately £1 million per year.

Cheap loans or grants and/or property leased at peppercorn rents to voluntary organizations to provide accommodation for various categories:

Elderly;
Handicapped;
Homeless;
Low-income families;
Battered wives;
Alcoholics, etc.

(e) Measures taken to ensure that international assistance for housing and human settlements is used to fulfil the needs of the most disadvantaged groups. Not applicable.

(f) The Island Development Committee and many parishes have worked together in the past on small village developments. States loans have been granted to assist first-time buyers purchasing dwelling units in those developments.

(g) Accommodation is available in the private sector - normally in lodging houses and tourist accommodation. For key personnel, time-restricted

consents are granted to occupy residential property under the "essential employee" provisions of the Housing Law.

199. During the reporting period, there have not been any changes in the national policies, laws and practices negatively affecting the right to adequate housing.

200. The main difficulty concerns the shortage of land in Jersey and the need to retain green open spaces in order to maintain viable the tourist and agricultural industries. Jersey has faced an excess of demand for housing over supply throughout this reporting period, especially in the rental sector. The measures described above are gradually helping to rectify this imbalance.

201. International assistance has no role in the full realization of the rights enshrined in article 11.

Article 12: Right to physical and mental health

202. In addition to the information provided in connection with other conventions governing the same subject, the report of the Medical Officer of Health for 1991 sets out the position of Jersey regarding the matters covered in this article. (See appendices 2 and 3: Health Promotion Strategy and Public Health Annual Report 1991.)

Appendices*

GUERNSEY

A. The Supplementary Benefit (Classes of persons to whom the Law applies) Ordinance, 1988.

B. Employment of Children.

C. Loi Ayant Rapport A L'Emploi de Femmes, de Jeunes Personnes et d'Enfants.

D. The Island Development (Guernsey) Law, 1966.

E. Law giving the Court increased Power to Stay Execution in Actions for Eviction.

F. The Rent Control (Guernsey) Law, 1976.

G. The Building (Guernsey) Law, 1956.

H. The Dwellings Profits Tax (Guernsey) Law, 1975.

I. Loi Relative à la Santé Publique, 1934.

JERSEY

1. An Introduction to Jersey.

2. Health Promotion Strategy.

3. Public Health Annual Report 1991.

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* Available for consultation in the archives of the secretariat.